

REMARKS

Applicant respectfully requests favorable reconsideration of the above-captioned application.

In this amendment, claims 1, 2, 4-7 and 9-16 remain pending. Claims 14-16 have been amended so as to no longer be presented in means-plus-function format. Of the pending claims, claims 1, 12, 14 and 15 are independent.

In the Office Action, Claims 1, 4-7 and 9-11 were rejected as being obvious over U.S. Patent 5,710,889 (Clark et al.) in view of U.S. Patent 5,918,217 (Maggioncalda et al.), U.S. Patent 5,214,579 (Wolfberg et al.) and U.S. Patent 5,262,942 (Earle). Claim 12 was rejected as obvious over Clark in view of Wolfberg and Earle. Claims 2 and 13 were rejected over Clark, Maggioncalda, Wolfberg and Earle in view of U.S. Patent 5,806,049 (Petruzzi) and U.S. Patent 5,132,899 (Fox). Claim 14 was rejected over Clark in view of Earle. Claims 15 and 16 were rejected over Clark in view of Maggioncalda.

Applicants respectfully traverse these rejections and submit that amended independent claims 1, 12, 14 and 15, together with the remaining claims respectively dependent thereon, are patentably distinct from the cited prior art for the following reasons.

Applicants believe that the Examiner is generally familiar with independent claim 1 after the extensive prosecution thereof. However, Applicants believe that the Examiner has not given sufficient weight to a feature now more clearly recited in claim 1.

Specifically, the system of amended claim 1 comprises, *inter alia*:

- (1) at least one workstation for use by a **human** financial advisor for providing financial services to at least one investor, and
- (2) a real-time investor monitoring system for monitoring investor mediated transactions

conducted by the investor on the online transaction system ... [that] communicates to the financial advisor a communication regarding the at least one investor-mediated transaction **on a real-time basis** upon detecting the at least one investor-mediated transaction.

This important aspect of claim 1 is that a real person, the financial advisor, can use the real-time monitoring system for **real-time** communication to the investor. i.e., a person-to-person interaction.

Support for this aspect may be found throughout the present specification, for example at page 7, line 29-page 8, line 2, and at page 16, lines 9-14. As stated on page 1, lines 21-25, some investors want this person-to person advice. The present invention as defined in independent claim one provides both the advantages of computerized databases and analyses with the desired person-to person investment relationship.

These features are expressly recited in the amended claim.

The Office Action discusses all the cited references at great length, including discussions of features that do not even appear in the claims. However, **nowhere** does the Office Action assert that the systems generated by cobbling together features of Clark, Maggioncalda et al., Wolfberg et al., Earle, Petruzzi or Fox provide a real-time investor monitoring system that notifies a *human* financial advisor in real time, so that the human financial advisor can take some appropriate action such as telephoning the investor with the desired person-to-person advice.

On page 3 of the Office Action, the Examiner states that: “Earle discloses the enabling of a user therewith to provide timely proactive transaction advice to the client user (Col. 7, ll. 48-59; Col. 9, ll. 54-57).” Applicants strongly disagree. The cited sections of Earle do not support the argument of the Office Action. For example, the cited portion of Col. 7 refers to “Investment Advisors” 118 and “Custodians” 116. However, as shown in Fig. 1A, the Investment Advisors

118 and Custodians 116 are not individuals. Rather, the Custodians 116 are banks (see col. 7, lines 53-56). The Applicants could find no specific definition of the Investment Advisors 118, but these elements appear to be hardware/software system elements associated with a Fund Accountant 120 that is responsible for maintaining the mutual fund portfolio records. This Fund Accountant is not identified as a human being. The Fund Accountant 120 communicates with Investment Advisors 118 and each Investment Advisor 118 has a banking relationship with a Custodian (bank) (see col. 7, lines 38-59; Fig. 1A). There is no evidence in Earle as to why the Investment Advisors 118 should be human beings, any more than the Fund Accountant 120. Indeed, this description would be a highly unusual and arbitrary way of describing human beings. Applicants have found no teaching or suggestion that the Investment Advisors 118 are ***human financial advisors***, as recited in claim 1.

Thus, none of the four patents teach or suggest the key elements expressly recited in amended claim 1. Necessarily, then, their combination cannot teach or suggest these key features.

Therefore, Applicants submit that claim 1 has been shown to be patentably distinct from the cited prior art.

Applicants further note that independent claims 12 and 14 also recite access by ***human financial advisors*** to the investor monitoring system, as in claim 1, and therefore claims 12 and 14 are believed to be patentably distinct from the cited prior art for at least the same reasons as claim 1.

The present invention as defined in independent claim 15 is directed to a system for providing financial information to end users in a network environment having at least one workstation and a host computer. Claim 15 has been amended so as to no longer be in means

plus function format, and therefore is not subject to the interpretation of the prior Office Action that Applicants believe to have been overbroad.

The system comprises an application interface having a display system for selectively running and displaying a plurality of finance-related software applications simultaneously, the plurality of finance-related software applications comprising a real-time market data application and a financial planning application, and a controller for controlling the display of the finance related software applications. The system further comprises an authentication system having an authenticator for determining a set of finance-related software applications that a user is entitled to selectively run and display, and a setter for setting user preferences that allow a user to customize the application interface for the user based on a stored user preference profile.

As Applicants have previously argued, what matters is what the claims actually recite, not whether references describe features that generally might be related to, or advantageous along with, the recited features. The issue of obviousness is not whether or not the elements of a claim are similar to those of elements in various references, but rather whether the claim *as a whole* would have been obvious in view of those references. Applicants have carefully reviewed the portions of the references cited in the Office Action, but believe that those portions do not teach or suggest the *specific* recitations in claim 15.

Therefore, Applicants submit that claim 15 has been shown to be patentably distinct from the cited prior art.

Applicants have reviewed the other prior art of record and have found nothing therein that would remedy the above-noted deficiencies of the patents cited above as references against the present claims.

The remaining claims depend from respective ones of the independent claims and partake

of the novelty of those independent claims.

In view of the above remarks, Applicants respectfully submit that claims 1, 2, 4-7 and 9-16 are patentably distinct from the prior art of record. The Examiner is respectfully requested to pass this case to issue.

If any fee is due for this filing, please charge the LARGE ENTITY fee therefor to Deposit Account No. 16-2500 of the undersigned.

Applicants' undersigned attorney may be reached by telephone at (212) 969-3000 or by facsimile at (212) 969-2900. Please direct all correspondence to Customer No. 21890 at the address provided below.

Respectfully submitted
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